

ACCUSED NO 17 (HLABENG SAM MATLOLE)

The allegations against accused No 17 in the indictment amplified by further particulars are very comprehensive. Accused No 17 attended the founding meeting of the VCA on 9 October 1983. He attended a mass meeting on 19 February 1984 where he collected signatures for the million signature campaign and was elected member of the zone 7 Area Committee. From 27 to 29 April 1984 he attended a training course to incite the masses at Daleside. He took part in the organisation against the victory feast of councillor Rabotapi. He attended a zone 7 Area Committee meeting on 5 July 1984 and on 8 July attended a meeting of VCA and ERPA at the home of accused No 6. He attended the general council meeting of the UDF at Johannesburg on 4 August 1984 and reported back at Sebokeng at approximately 13 August 1984 on their decisions about the rent increase. An urgent meeting at his house decided on a mass protest. On 20 August 1984 a zone 7 Area Committee meeting was held at his house and on 24 August he attended a joint meeting of activists of zones 3 and 7 where arrangements were made for the mass meeting. On 26 August 1984 the mass protest meeting was held in the Roman Catholic Church, Small Farms which he addressed and where he incited the audience to stay away from work and participate in the march. On 3 September 1984 he was one of the leaders of the mass protest march which led to the riots. On 4 September 1984 he and other activists in response to a call from the UDF went to the UDF's head office in Johannesburg, met

bishop Tutu and accused No 16 and thereafter Frank Chikane and other UDF leaders. Activists of the UDF assisted accused No 17 to evade arrest. It is further alleged that accused No 17 identified with the aim of the UDF to overthrow or endanger the government by violent

means. [REDACTED] the UDF and as a member of a body [REDACTED] that since

[REDACTED] which actively co-operated in the Vaal [REDACTED] legislation

Triangle against the government and Black local authority to destroy the latter. Accused No 17 was part of the management structure of the VCA which affiliated to the UDF and thereby became part of the UDF Transvaal and participated in its meetings, planning and organisation. These are the allegations against this accused.

Accused No 17 did not give evidence. We were told that he has a progressive memory impairment due to an ailment which manifested itself during the course of the trial. We make no finding on this aspect. His failure to testify is unfortunate as he has a lot to explain. Of all the VCA leaders before court he was the most active and the closest to Esau Raditsela.

Though no state witness gave this evidence it was the defence case as put to the witness ic.8 that accused No 17 attended the founding meeting of the VCA on 9 October 1983.

He played a leading role with Edith Letlaka in the meeting of parents in January 1984 who objected against the school principal's action in enforcing the age-limit at school.

At the mass meeting on 19 February 1984 which he helped organise and addressed as first speaker he was elected treasurer of the zone 7 Area Committee.

Mrs Rina Mokoena testified that since January 1984 they had held women's meetings of the Vaal Organisation of Women at different houses. On one occasion accused No 17 had told them that when unity is attained Oliver Tambo and Nelson Mandela would help them by building factories (presumably to provide employment). Everything will then be alright when they come. This evidence was not challenged. It does not follow that we must therefore accept it. Rina Mokoena was not a good witness. The fact that Esau Raditsela was an outspoken and fervent ANC admirer and that accused No 17 was his close assistant lends credence to this evidence.

Accused No 17 attended the Daleside workshop for civics in April 1984 together with Esau Raditsela and others from the zone 7 committee. We have dealt with this elsewhere.

On 12 May 1984 accused No 17 helped organise the demonstration against the 80th anniversary of Evaton and made placards. In fact he took the initiative in approaching ERPA.

He was also one of the VCA members who approached ERPA to join the UDF's million signature campaign.

Accused No 17 attended committee meetings of the zone 7 Area Committee on 4 and 11 August, attended a meeting at the house of accused No 10 on 14 August and a joint meeting on 24 August 1984. Esau Raditsela and Edith Letlaka were present. All these meetings were in preparation of the protest against the rent increase.

Accused No 17 and Esau Raditsela attended the UDF general council meetings of 30 June, 14 July and 4 August 1984. There was no evidence about the discussions and resolutions at the meeting of 4 August 1984 or about any report back meeting in the Vaal thereon.

He attended the morning meeting of ERPA on 26 August 1984 together with Esau Raditsela and Edith Letlaka. Raditsela spoke on the million signature campaign, Letlaka on the Vaal Organisation of Women and accused No 17 encouraged the inhabitants of Evaton to stand strong and unite against Evaton's town councillors.

At the afternoon VCA meeting in the Roman Catholic Church Small Farms on 26 August 1984 accused No 17 spoke. We have dealt with the question whether violence was advocated elsewhere. The defence case was that accused No 17 with a reference to Gideon told the people not to be cowards. They must march on 3 September and show the authorities they suffer together. Masenya's unchallenged evidence was that accused No 17 said that the councillors should be visited at their homes and asked for the reasons for the rent increase. That he

spoke in favour of the stay-away and march to Houtkop and the closure of shops. That he said that there would be no transport on 3 September - the VCA had arranged this with the transport operators. This was a lie.

It is common cause that accused No 17 called the councillors uncomplimentary names. Mahlatsi testified that they were called dogs who had used the people's money to build shops for themselves. This evidence was not challenged. The word "dog" is a very strong form of abusive language.

Matonsi, an ex-councillor of zone 12, testified that on 31 August 1984 he was warned by accused No 17 that if he did not join the UDF he (the witness) would be sorry. On 3 September 1984 his shop was burnt down. It was in a shopping complex where there were also shops of sitting councillors.

Accused No 17 was one of the leaders of the protest march. He addressed the crowd and set up the march before it got under way. His exact position in the march need not be determined.

On 3 September accused No 8 and accused No 17 helped a boy who had been shot. Mrs Rina Mokoena met them in zone 11. When exactly it was cannot be determined.

On 4 September accused No 17 accompanied other members of the VCA committee to report on the riots to bishop Tutu and accused No 16 of the South African Council of Churches and thereafter to the UDF. Accused No 17 was mandated with Edith Letlaka to draft a pamphlet setting out the VCA's position on the riots.

On 6 September McCamel went looking for accused No 17 but could not find him. The UDF intimated that they knew where he was.

On 7 September accused No 17 and others reported to the UDF on the riots. Accused No 17 and Edith Letlaka drafted the pamphlet exh AN.15.7 which contains the VCA's resolve "to stop the Lekoa town council to function in the Vaal Triangle". On that same day accused No 17 and Esau Raditsela were spirited away by Matheson Morobe of the UDF and not seen again by McCamel. In fact accused No 17 had fled and gone into hiding in Lebowa. He corresponded from there under a false name.

When we dealt with accused No 7 we posed two questions. Adapted to accused No 17 they are: Was accused No 17 aware of the UDF's aim to destroy the Black local authorities by mass action and render South Africa ungovernable and did he identify therewith? Did accused No 17 foresee that the stay-away would be enforced by and the march followed by violence and did he endorse it?

The position of accused No 17 is very similar to that of accused No 7. He is an activist closely associated with the UDF. We find it proved that he knew that the UDF aimed at the destruction of the Black local authorities by mass action.

He is not a man of much education and would not do much reading though what he lacked therein he made up by his enthusiasm. The probabilities are that he saw the UDF's aim in its proper perspective. We have, however, a measure of doubt and with some hesitation find that it has not been proved that he saw this mass action as aimed at the endangering or overthrow of the government of South Africa. His was a local perspective and local objective namely to get rid of the councillors.

The state has therefore not convinced us beyond reasonable doubt that the first question has to be answered affirmatively.

Since February 1984 accused No 17 closely associated with Esau Raditsela with whom he attended house meetings, mass meetings, the Daleside workshop and the UDF general council meetings and with whom he protested against Evaton's anniversary and organised the million signature campaign blitz and the stay-away and protest march.

We have found that the leadership of the VCA was bent on the demise of the Black local authority and that its methods included mass action and that it accepted that violence was an inevitable and necessary component thereof. In view of accused No 17's particular position in the leadership of the VCA we have no doubt that he foresaw that the stay-away would have to be enforced by coercion to be effective and that the march would lead to violent confrontation with the police and that he endorsed this.

It follows that the same reasoning and result applies as in the case of accused No 5, accused No 7 and accused No 8.

We find that accused No 17 with the intent to induce the Lekoa town council to resign or at least to repeal the rent increase organised the stay-away and march which were aimed at bringing about or contributing to violence and that he encouraged others to participate.

Consequently he is found guilty of the crime of terrorism in terms of section 54(1)(c)(ii) and (iv) read with section 54(8) of the Internal Security Act 74 of 1982 read with section 84(1)(f) of Act 32 of 1961.

ACCUSED NO 18 (MAXALA SIMON VILAKAZI) WAS DISCHARGED AT THE END OF THE STATE CASE.

DELMAS TREASON TRIAL 1985-1989

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